

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jay C. Pershing *et al.*

Serial No.: 10/780,151

Filed: February 17, 2004

For: **COMPOSITIONS AND METHODS FOR
DEPLOYING A TRANSGENIC REFUGE
AS A SEED BLEND**

Group Art Unit: 1616

Examiner: Kristie Latrice Brooks

Confirmation No. 1272

Attorney Docket No.: 11000023-
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December 31, 2007
Date

/Robert E. Hanson/
Robert E. Hanson

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner:

This paper is submitted in response to the Restriction Requirement mailed on November 1, 2007, for which the date to respond is January 1, 2008 in view of the enclosed extension of time and fees.

In response to the further election requirement which the Examiner imposed for claim 15, Applicants elect without traverse species b), a first transgenic crop seed treated with a seed treatment. In response to the further election requirement which the Examiner imposed for claim 16, Applicants elect without traverse species b), a refuge seed treated with a seed treatment. All of the claims under consideration read upon the elected species.

Applicants note that claims 13 and 14 are generic to claims 15 and 16. Rejoinder and consideration of all of the restricted subject matter is therefore respectfully requested upon the allowability of a generic claim pursuant to MPEP §821.04(a).

Applicants believe that this paper is fully responsive to the species election requirement. The Examiner is invited to contact the undersigned attorney at (214)259-0931 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

/Robert E. Hanson/

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Date: December 31, 2007